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May 16, 2019

VIA CM/ECF

The Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Mark Nordlicht, et al., No. 1:16-cr-00640-BMC

Dear Judge Cogan:

We represent defendant David Levy. We write pursuant to the Court's Order, Dkt. No. 704, granting Mr. Levy's motion in limine regarding 404(b) material, GX 884, and related witness testimony. We have enclosed the portions of the transcript containing the testimony we respectfully request that the Court strike. Additionally, we propose the following curative instruction:

Members of the Jury - during the testimony of Mr. Manela, he testified about a margin call made by the prime brokerage firm, Nomura, to PPCO and how that margin call might be paid. This testimony was elicited in relation to GX 884. I instruct you that this testimony should not have been presented to you. It was irrelevant to the issues in this case, and I instruct you that you should give it no consideration at all in making your decisions when you deliberate at the end of the case. You should put it out of your minds entirely starting right now. In addition, I am striking GX 884 from evidence, so you may not consider that document at all or any testimony by Mr. Manela concerning that document or on this topic.

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

s/ Michael S. Sommer
Michael S. Sommer
Morris J. Fodeman
Kate T. McCarthy

Cc: All Counsel of Record (via CM/ECF)